

### **Remarks**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 4-7 and 14-26 are pending in the application. Claims 4-7 and 13-26 are rejected. Claim 13 has been canceled. No claims have been allowed. Claims 6, 7, and 14 are independent. Claims 6, 7 and 14 have been amended.

### ***Cited Art***

The Action cites:

Herz et al., U.S. Patent No. 5,758,257 (hereinafter “Herz”);

Alexander et al., U.S. Patent No. 6,177,931 (hereinafter “Alexander”);

Connely, U.S. Patent No. 6,144,376 (hereinafter “Connely”);

Yoshinobu, U.S. Patent No. 5,734,444 (hereinafter “Yoshinobu”);

Smith, U.S. Patent No. 5,933,141 (hereinafter “Smith”);

Daniels, U.S. Patent Publication No. 2002/0032907 (hereinafter “Daniels”) and

Okada, U.S. Patent No. 7,095,949 (hereinafter “Okada”).

### ***Claim Rejections under 35 U.S.C. § 103(a)***

The Action rejects claim 13 under 35 U.S.C. § 103(a) as unpatentable over Herz in view of Alexander and further in view of Connely.

The Action rejects claims 4 and 5 under 35 U.S.C. § 103(a) as unpatentable over Herz in view of Alexander further in view of Connely and further in view of Yoshinobu.

The Action rejects claims 6, 14-18, 20, and 21 under 35 U.S.C. § 103(a) as unpatentable over Herz in view of Alexander and further in view of Yoshinobu.

The Action rejects claim 7 under 35 U.S.C. § 103(a) as unpatentable over Herz in view of Alexander further in view of Yoshinobu and further in view of Smith.

The Action rejects claim 19 under 35 U.S.C. § 103(a) as unpatentable over Herz in view of Alexander further in view of Yoshinobu and further in view of Daniels.

The Action rejects claims 22-26 under 35 U.S.C. § 103(a) as unpatentable over Herz in view of Alexander and further in view of Okada.

The Applicant's representative respectfully disagrees with the Examiner that Alexander discloses a favorites channel. Specifically, the Examiner cited Alexander at Col. 30, lines 55-58, which describes putting the channels listed in a programming guide in order according to which channels are viewed more (i.e., which channels are the user's favorites.)

None of the prior art references include automatically recording a favorite program and placing it on a special channel (i.e., the favorites channel). Again, Alexander discloses only putting the channels in order according to which channel is viewed more. This is clearly not the same as the requirements of claim 6. Claim 6 requires that a controller copies a video program to the store if the user is not viewing the program because the normally-watched program is automatically recorded if it is not viewed by the user when broadcast. The normally-watched program is then included on a favorites channel.

Claim 7 similarly requires the following: "copying the video program to the store if the user is not viewing said program when broadcast wherein the user need not plan in advance to record a favorite program, because the favorite program is automatically recorded if it is not viewed by the user when broadcast; and defining plural viewing channels, including a favorites channel, which is a channel that includes the user's previously automatically recorded favorite program."

Again, Alexander discloses only listing channels in a special order in an electronic programming guide. This is not the same as a special channel that lists favorite programs that were automatically recorded.

The other independent claims include similar limitations. Additionally, the dependent claims depend from the independent claims and should be in condition for allowance for the reasons stated above.

### ***Interview Request***

If the claims are not found by the Examiner to be allowable, the Examiner is requested to call the undersigned attorney to set up an interview to discuss this application.

***Conclusion***

The claims in their present form should be allowable. Such action is respectfully requested.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read 'Robert F. Scotti', is written over a horizontal line.

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